

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSEPH VITELLONE, Derivatively §
on Behalf of MAGNUM HUNTER §
RESOURCES CORPORATION, §

Plaintiff, §

v. §

GARY C. EVANS, RONALD D. §
ORMAND, FRED J. SMITH, JR., §
H.C. FERGUSON, III, JAMES W. §
DENNY, III, J. RALEIGH BAILES, §
SR., BRAD BYNUM, STEPHEN C. §
HURLEY, JOE. L. MCCLAUGHERTY, §
VICTOR G. CARRILLO, STEVEN A. §
PFEIFER, JEFF SWANSON, and §
DAVID S. KREUGER, §

Defendants, §

and §

MAGNUM HUNTER RESOURCES §
CORPORATION, a Delaware §
Corporation, §

Nominal Defendant. §

CIVIL ACTION NO. H-13-1887

FINAL JUDGMENT

For the reasons set forth in the separate Memorandum and Order signed by the Court this day, it is

ORDERED that Defendants' Motion to Dismiss (Document No. 13) is GRANTED and this case is DISMISSED for failure to meet the requirements of Federal Rule of Civil Procedure 23.1(b)(3).

This is a **FINAL JUDGMENT**.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 20th day of December, 2013.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE